

REMARKS

Reconsideration is respectfully requested. Claims 1-43 are pending. Claims 8-12, 14-16, 18-20, and 37-43 are withdrawn. Claims 1-43 are amended. Claims 44 and 45 are canceled. Amendment to and cancellation of the claims does not affect inventorship.

Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

Claim Amendments

Claims 1-43 are amended for technical clarity. Support is found, for example, in paragraph [087]. Claim 32 is amended to correct clerical error to depend from claim 1. Support is found, for example, in original claim 32. The amendments do not change the scope of the claims.

Claim Objections

Claims 13, 17, and 32 stand objected to because of informalities.

Applicants have amended the claims to correct the informalities and request the objections be withdrawn.

Rejections under 35 U.S.C. §112, first paragraph

Claims 1-7, 13, 17, 21-33, and 36 stand rejected as failing to comply with the enablement and written description requirement over the term "Fc variant."

Without acquiesce to the propriety of the rejections and for the sake of expedient examination, Applicants have amended the claims to recite "antibody and/or immunoadhesin" as suggested by the Examiner, thus obviate the rejections.

Double Patenting

The Examiner has provisionally rejected claims 1-7, 13, 17, 21-36, 44 and 45 on the ground of obviousness-type double patenting over claims 1-5, 7, 8, 10-28, 30-41, 43-53, 59 and 61 in U.S. Patent Application No. 10/672,280.

Applicants enclose a terminal disclaimer herewith over the unclaimed subject matter of U.S. Patent Application No. 10/672,280 should it be issued as a patent, and respectfully request the withdrawal of the rejection on this basis.

Conclusion

In view of the foregoing, it is believed that all claims now pending in this application are in condition for allowance. Should the Examiner not agree, the Applicant respectfully asks the Examiner to contact the undersigned at 415-442-1000 to discuss any remaining issues and accelerate the examination and allowance of this application. Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (Docket No. 067461-5100US02).

MORGAN, LEWIS & BOCKIUS LLP

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Customer No.: 67374

Morgan, Lewis & Bockius LLP
One Market, Spear Street Tower
San Francisco, CA 94105
Telephone: (415) 442-1000
Facsimile: (415) 442-1001

By: Robin M. Silva

Robin M. Silva, Reg. No. 38,304

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